



AHP-98126-1-C1

GP 1646 \$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: BRAD A. OZENBERGER, et al.

Serial No.: 09/172,990

Group Art Unit: 1646

Filed: October 14, 1998

Examiner:

FOR: β-Amyloid Peptide-Binding Proteins and Polynucleotides
Encoding the Same#5
D.G.J
5/17/99Assistant Commissioner for Patents
Washington, D.C. 20231Response to Restriction Requirement and Notice to Comply

In response to Office Action mailed April 1, 1999, Applicant elects Group I, corresponding to claims 1-5 and 11, drawn to polynucleotides, host cells and methods of producing the protein, classified in class 536, subclass 23.1. This election is made without traverse.

In response to the failure to comply with Sequence Requirements of 37 CFR 1.821-1.825, Applicant hereby submits a separate attachment to fulfill the requirements of 37 CFR 1.821(e).

Therefore, in view of the foregoing remarks, reconsideration and withdrawal of the indicated requirement for restriction is requested. Further, favorable consideration of the elected invention claims, are requested.

Petition for Extension of Time (37 CFR 1.136(a))

1. This is a petition for an extension of the time for a total period of 1 month to respond to the Office Action dated April 1, 1998 indicated above for the subject application.
2. A response in connection with the matter for which this extension is requested:
 is filed herewith
 has been filed
(complete the following if applicable)
 response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.

3. Calculation of extension fee (37 CFR 1.17(a)-(d)):

<input checked="" type="checkbox"/>	One Month.	Fee in the amount of	\$110.00
<input type="checkbox"/>	Two Months.	Fee in the amount of	\$380.00
<input type="checkbox"/>	Three Months.	Fee in the amount of	\$870.00
<input type="checkbox"/>	Four Months.	Fee in the amount of	\$1,360.00
<input type="checkbox"/>	Five Months.	Fee in the amount of	\$1,850.00

Fee: \$110.00

RECEIVED

MAY 14 1999

MATRIX CUSTOMER
SERVICE CENTER

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- An extension for months has already been secured and the fee paid therefor of
is deducted from the total fee due for the total months of extension now requested.

05/12/1999 AMOUNT 00000020 011425
01 FEES 110.00 CH
01 FEES 115

Extension fee due with this request:

4. Fee Payment

- Charge fee to Deposit Account No. 01-1425. This is a request to charge for any additional extension and/or fee required or credit for any excess fee paid. A duplicate of this petition is attached.

If a telephone conference would advance prosecution of this application, the Examiner is invited to telephone the undersigned at (973)683-2169.

Respectfully submitted,



Andrea C. Walsh, Ph.D

Reg. No. 34,988

American Home Products Corporation

Patent Law Department

One Campus Drive

Parsippany, NJ 07054

Tel. No. (201) 683-2169

CERTIFICATION UNDER 37 CFR 1.8(a)

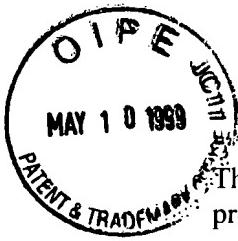
I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



May 5, 1999
Date



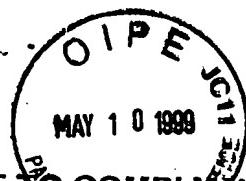
Andrea C. Walsh



Sample Request to Use Computer Readable Form from Another Application

The following paragraph, or language having the same effect, can be used to invoke the procedures of 37 CFR section 1.821(e) in which an identical computer readable form from another application is used in a given application. The paragraph should be incorporated into a separate paper to be submitted in the given application:

The computer readable form in this application, 09/172,990, is identical with that filed in Application Number 09/060,609, filed April 15, 1988. In accordance with 37 CFR 1.821(e), please use the (first-filed, last-filed or only, whichever is applicable) computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is (included in the originally-filed specification of the instant application, included in a separately filed preliminary amendment for incorporation into the specification, whichever is applicable).



Application No.: 09/172,990

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
7. Other: Applicant should follow the format of the attached sample statement to request that the CRF filed in the parent application be used to create a CRF in this application.

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE